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Investigation Division

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FOREWORD

The safety investigation authority carries out aircraft, marine and railway transport accident and incident safety investigations the purpose of which is to prevent the occurrence of accidents and incidents in the future. Safety investigations shall in no case be concerned with apportioning blame or liability.

The safety investigation authority is an independent and permanently operational authority. The safety investigation authority shall, in the conduct of the safety investigation, neither seek nor take instructions from anybody and shall have unrestricted authority over the conduct of the safety investigations.

In order to inform the public of the general safety level, the safety investigation authority annually publishes a safety review – the annual report. In this analysis, the sources of confidential information are not revealed.

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SAFETY INVESTIGATION

1.1. Safety investigation

Safety investigation means a process conducted by a safety investigation authority for the purpose of accident and incident prevention which includes the gathering and analysis of information, the drawing of conclusions, including the determination of cause(s) and/or contributing factors and, when appropriate, the making of safety recommendations.

The safety investigations shall be independent of, separate from and without prejudice to any judicial or administrative proceedings to apportion blame or liability.

1.2. Stages of safety investigation

Notification of an accident or an incident

The first stage of a safety investigation is a receipt of a notification about an accident or an incident. Any person involved who has knowledge of the occurrence of an accident or incident shall notify without delay the competent safety investigation authority of the State of Occurrence that is accessible 24 hours per day and 7 days per week. Having received a notification about an accident or an incident the safety investigation authority shall classify the accident or the incident having regard to the injuries of people, and the damage incurred to the vehicle, and pass a decision regarding the launching of a safety investigation.

The safety investigation authority shall notify without delay the relevant international organisations, the European Commission, authorities of the European Union, Member States of the European Union and third countries concerned in accordance with the international standards and recommended practices of the occurrence of all accidents and serious incidents of which it has been notified. Having received a notification about an accident or an incident, Member States or third parties shall have a right to appoint accredited representatives.

Investigation on the occurrence site

An accident or an incident investigation continues at the site of the occurrence until all the required evidence from the site of the occurrence is collected, all the relevant persons are inquired, and the required information and the entries from related authorities. However, not all investigations of accidents and incidents have this stage, as a safety investigation of less serious incidents may be carried out by means of correspondence.

In an event of an accident or an incident the priority in all cases is given to the search and rescue services whose duty is to help the injured persons, however, the safety investigation authority has a right to participate in the search and rescue operations, in order to preserve, by photographic or other means, any evidence which might be removed, effaced, lost or destroyed. Safe custody shall include protection against further damage, access by unauthorised persons, pilfering and deterioration. Pending the arrival of safety investigators, no person shall modify the state of the site of the accident, take any samples therefrom, undertake any movement of or sampling from the vehicle, its contents or its wreckage, move or remove it, except where such action may be required for safety reasons or to bring assistance to injured persons, or under the express permission of the authorities in control of the site and, when possible, in consultation with the safety investigation authority.

Some evidence is short-lived (ice, liquid leakage, data entries, etc.), therefore they have to be recorded without any delay. However, the collection of evidence may in some cases take longer due to the threats at the site (flammable, explosive, toxic and radioactive materials, hazardous freight, sharp, heavy and hazardous object, etc.).

The safety investigation authority seeks to carry out a safety investigation at the site of an accident or incident, in order to restore the infrastructure, and not to interfere with the provision of services by the service providers. The safety investigation authority shall collect and move the vehicle and/or its wreckage from the occurrence site if that is necessary for the performance of the further expertise.

Obtaining the factual information

Once the investigation starts, the authority starts collecting all the evidence and any factual information. Collection of evidence includes inquiries of the witnesses of an accident or incident, autopsy examination of the bodies of the fatally injured person, medical examination of the heavily injured persons, obtaining the necessary information from the owner of the vehicle, its operator, designer, manufacturer, technical maintenance organisation, training organisation, traffic control authority, etc.

Subject to the course of the safety investigation, the collection of evidence and factual information may continue even after the investigation at the occurrence site is completed, require more time and include a more thorough examination of the wreckage, additional inquiry of the witnesses, consultation with the experts, etc.

Analysis

An analysis starts after the safety investigation has performed all actions at an accident or incident site, and has collected all the evidence and the factual information.

An analysis includes an expert examination of the vehicle, its wreckage and other evidence, testing of components and laboratory examination, decrypting of self-recording devices and their records, analysis of any relevant documents, results of the autopsies of the bodies of the fatally injured persons, and of medical examination of heavily injured persons, additional inquiries of witnesses, etc. The scope of the analysis shall be established only in the course of the safety investigation, when more information is obtained by virtue of the investigation.

In other words, the course of the occurrence is restored in the course of the analysis on the basis of the collected evidence. The safety investigation seeks to find out how and why an accident or incident had occurred.

A draft report is formed in the course of the analysis. In case an information gap cannot be filled in by facts, and instead the gap is filled by logical extrapolation and reasonable assumptions, those shall be explicitly indicated in the report. In the course of the process it may be useful to establish all probabilities, and reduce them, by way of analysis, to the most probable hypotheses. Safety findings are established having regard to the results of the analysis, if necessary, followed by specific recommendations for removing them. Just like in the cases of every safety investigation, the information on the safety investigation course shall be made public.

Consultation

Before publication of the final report, the safety investigation authority shall solicit comments from the authorities concerned, who shall be bound by applicable rules of professional secrecy with regard to the contents of the consultation. In soliciting such comments, the safety investigation authority shall follow the international standards and recommended practices.

Submission of the investigation report

Each safety investigation shall be concluded with a report in a form appropriate to the type and seriousness of the accident or serious incident. The report shall protect the anonymity of any individual involved in the accident or serious incident, and shall state that the sole objective of the safety investigation is the prevention of future accidents and incidents without apportioning blame or liability. The safety investigation report is based only on the facts established in the course of the safety investigation. The report shall contain, where appropriate, safety recommendations.

The safety investigation authority shall make public the final report in the shortest possible time and if possible within 12 months of the date of the accident or incident. If the final report cannot be made public within 12 months, the safety investigation authority shall release an interim statement at least at each anniversary of the accident or serious incident, detailing the progress of the investigation and any safety issues raised.

Safety recommendations

Safety recommendation means a proposal of a safety investigation authority, based on information derived from a safety investigation or other sources such as safety studies, made with the intention of preventing accidents and incidents. A safety investigation authority may also issue safety recommendations on the basis of studies or analysis of a series of investigations or having collected and analysed any other information related to transport safety.

At any stage of the safety investigation, the safety investigation authority shall recommend in a dated transmittal letter, after appropriate consultation with relevant parties, to the authorities concerned, including those in other Member States or third countries, any preventive action that it considers necessary to be taken promptly to enhance transportation safety.

A safety recommendation shall in no case create a presumption of blame or liability for an accident, serious incident or incident.

1.3. Safety vs. judicial or administrative investigation

In a case of an accident or incident, other investigations may be initiated in addition to the safety investigation. Most often, where in the course of an accident or incident any fatal injuries have been incurred, judicial proceeding is initiated with a view to establishing liability or indemnifying the damage incurred as a result.

The safety investigation shall be independent of, separate from and without prejudice to any judicial or administrative proceedings to apportion blame or liability. Any judicial or administrative proceedings shall be completely separated from the safety investigation. The investigation report, and in particular its analysis, conclusions and safety recommendations cannot be used as evidence in a judicial or administrative process seeking to apportion blame or liability, because that was not established in the course of the safety investigation, and it is not compatible with the objective of the safety objective. It should also be noted that a safety investigation authority is not authorised to provide an expert opinion or any judicial or administrative process related to the transport safety. In this view, the authority's carrying out investigations independent from the safety investigation shall themselves take the required decisions, and shall conduct and complete the investigations without considering the course of the safety investigation.

However, there is only one evidence, therefore the safety investigation, and the pre-trial investigation shall refer to the same evidence. In that case investigation coordination becomes of extreme importance. All authority's that are likely to be involved in the activities related to the safety investigation, cooperate with each other through advance arrangements. Those arrangements shall respect the independence of the safety investigation authority, and the information collected by the safety investigation authority shall not be published or used for any purposes other than the safety investigation. When a judicial investigation is also instituted, the safety investigation authority shall be notified thereof. Where the judicial authority is entitled to seize any evidence, the safety investigation authority shall have immediate and unlimited access to and use of such evidence.

Where, in the course of the safety investigation, it becomes known or it is suspected that an act of unlawful interference as provided for under national law, such as national law on accident investigations, was involved in the accident or serious incident, the safety investigation authority shall immediately inform the competent authorities thereof.

1.4. Sensitive safety information

Any information collected by the safety investigation authority in the course of the safety investigation (all statements taken from persons; the identity of persons who have given evidence; information of particularly sensitive and personal nature;

information concerning the health of the individuals; notes, drafts, opinions written by the investigators; opinions expressed in the analysis of information; drafts of preliminary or final reports or interim statements; cockpit voice and image recordings and their transcripts) shall not be made available or used for purposes other than safety investigation.

2

SAFETY INVESTIGATION AUTHORITY

2.1. Safety investigation authority

Each Member State shall ensure that safety investigations are conducted or supervised, without external interference, by a permanent national safety investigation authority capable of independently conducting a full safety investigation, either on its own or through agreements with other safety investigation authorities.

The activities entrusted to the safety investigation authority may be extended to the gathering and analysis of safety related information, in particular for accident prevention purposes, in so far as these activities do not affect its independence and entail no responsibility in regulatory, administrative or standards matters.

The safety investigation authority shall be functionally independent in particular of authorities responsible for worthiness, certification, maintenance, licensing, traffic control and, in general, of any other party or entity the interests or missions of which could conflict with the task entrusted to the safety investigation authority or influence its objectivity.

The safety investigation authority shall, in the conduct of the safety investigation, neither seek nor take instructions from anybody and shall have unrestricted authority over the conduct of the safety investigations.

2.2. Safety investigation authority resources

Each safety investigation authority shall have a plan ensuring that having received a notification about an occurrence, or while preparing for a safety investigation, no

time is wasted for irrelevant or unnecessary information, and the proper measures have been taken to prepare for the investigation, and all the necessary knowledge has been obtained. Such preparatory plan shall ensure, having received a notification about an accidents or incident, a quickest possible access to the resources and the procedures as needed, including a sufficient number of required qualification investigators, and the required coordination both at the national and international levels, so that all primary actions are performed immediately.

Each Member State shall provide to the safety investigation authority all the required means and facilities, so that the authority is enabled to obtain sufficient resources to independently their obligations. Therefore, the safety investigation authority shall be allocated sufficient to enable it to carry out its functions. The safety investigation authority shall have at its disposal, either directly or by means of the cooperation, or through arrangements with other national authorities or entities, qualified personnel and adequate facilities, including offices and hangars to enable the storage and examination of the vehicle, its contents and its wreckage. All the investigators concerned shall have the experience and competence to fulfil their tasks. Given that the safety investigation authority is a permanently operating authority, in the case of a multimodal authority no less than two investigators shall be appointed for each type of transportation. This would ensure that in case a major accident occurs at least one investigator is on duty and able to lead the investigation.

2.3. Cooperation between safety investigation authorities

Upon receipt of the notification of the occurrence of an accident or incident from another Member State or third country, the Member States which are the State of Registry, the State of the Operator, the State of Design and the State of Manufacture shall, as soon as possible, inform the Member State or third country in the territory of which the accident or serious incident occurred whether they intend to appoint an accredited representative in accordance with the international standards and recommended practices. Such an accredited representative must be an employee of the safety investigation authority.

A safety investigation authority may request the assistance of safety investigation authorities from other Member States. When, following a request, a safety investigation authority agrees to provide assistance, such assistance shall, as far as possible, be provided free of charge. A safety investigation authority may delegate the task of conducting an investigation into an accident or incident to another safety investigation authority subject to mutual agreement. In that case, the safety investigation authority shall facilitate the investigation process by that other authority.

2.4. Assistance to the victims of accidents and their relatives

The safety investigation authority shall only perform investigations of accidents and incidents, therefore it does not provide any assistance to victims of the accidents or their relatives. When an accident occurs, the Member State in charge of the investigation, the Member State in which the vehicle is registered, the Member state which vehicle was involved in the accident, or the Member State which had a large number of its nationals on board the vehicle involved in the accident, shall provide for the appointment of a reference person as a point of contact and information for the victims and their relatives.

Victims of the accidents and their relatives very often provide useful information to the safety investigation authority, they are, however, not participants of the safety investigation. The safety investigation authority shall be allowed to inform the victims and their relatives, or their associations, and make public any monitoring information, the information about the progress of the safety investigation, possibly preliminary reports or conclusions, and/or safety recommendations, possibly preliminary reports or conclusions and/or safety recommendations, provided it does not compromise the objectives of the safety investigation and fully complies with applicable legislation on the protection of personal data. Before making such information public the safety investigation authority in charge shall forward that information to the victims and their relatives or their associations in a way which does not compromise the objectives of the safety investigation.

2.5. Safety investigation authority of the Republic of Lithuania

2.5.1. Structure

The safety investigation authority of the Republic of Lithuania is the Transport Accident and Incident Investigation Division of the Ministry of Justice of the Republic of Lithuania. The Transport Accident and Incident Investigation Division is an authority carrying out safety investigations of multimodal transport, i.e. safety investigations of accidents and incidents of aircrafts, marine vessels and railway transport.

The Transport Accident and Incident Investigation Division under the Ministry of Justice of the Republic of Lithuania was established on 1 December 2010, having merged the two independent positions of the investigator-in-charge of the aircraft accidents and incidents and the investigator-in-charge of the railway transport accidents and incidents. The Transport Accident and Incident Investigation Division started its actual activity as on 1 February 2011, after the positions of the Head of the Division (investigator-in-charge of the aircraft accidents and incidents) and of the Chief specialist (the investigator-in-charge of the railway transport accidents

and incidents) were established. On 16 September 2011 the position of the Senior specialist (the investigator-in-charge of the maritime accidents and incidents) was established.

As of 1 January 2016, the Transport Accidents and Incidents Investigation Division was transferred from the Ministry of Transport and Communications of the Republic of Lithuania to the Ministry of Justice of the Republic of Lithuania.

In total there are three positions at the Transport Accident and Incident Investigation Division – Head of the Division (investigator-in-charge of the aircraft accidents and incidents), Chief specialist (investigator-in-charge of the railway transport accidents and incidents), and Senior specialist (the investigator-in-charge of the maritime accidents and incidents).

2.5.2. Activity and cooperation

Having received a notification about an accident or incident Member States or third parties shall have a right to appoint their accredited representatives, therefore most safety investigations concerned are of international nature, and especially, the safety investigations of accidents and incidents of aircrafts and maritime.

The Transport Accidents and Incidents Investigation Division cooperates with international organisations and authorities. During 2016, the Transport Accidents and Incidents Investigation Division continued participating in the activities of the European Marine Safety Agency (EMSA), the training events, and annual meetings. Given that for two years until October 2016 did not have investigator-in-charge of the railway transport accidents and incidents, following the break the Division renewed its cooperation with the European Union Agency for Railways (ERA). In 2016 started cooperating with a number of international civil aviation authorities, and for the first time joined the activities of the European Network of Civil Aviation Safety Investigation Authorities (ENCASIA).

During 2016, actions were taken to establish the compliance of the Republic of Lithuania with the relevant international obligations, and assess its abilities to carry out safety investigations of aircraft, maritime and railway transport.

On 7-10 March 2016, the European Maritime Safety Agency (EMSA) held a visit in Lithuania regarding the implementation in Lithuania of Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council. Pending the visit the Transport Accident and Incident Investigation Division answered the questions in the questionnaire, and collected the required documents and legal acts. On 27 May

2016, the European Maritime Safety Agency (EMSA) drew up a report on the visit and specified the relevant deficiencies and the instances of non-compliance.

Also during 2016, the Transport Accident and Incident Investigation Division joined the peer review process of peer-review of the European Network of Civil Aviation Safety Investigation Authorities (ENCASIA). By 1 July 2016, the Transport Accident and Incident Investigation Division provided answers to the peer-review questionnaire, and on 5-7 September attended the peer-review training in Vienna, Republic of Austria; on 4 October, a peer-review visit was held in Lithuania.

During 2015–2016, the European Union Agency for Railways (ERA) was carrying out in Lithuania a railway transportation traffic safety level improvement programme. Given that for two years until October 2016 the Division did not have the investigator-in-charge of serious accidents, accidents or incidents, the Transport Accident and Incident Investigation Division was not part of the programme, therefore attended only the closing meeting which presented the draft final report.

2.5.3. Training and qualification

All the investigators of the safety investigation authority are required to have the experience and competence, and professional knowledge in the areas related to the investigations to fulfil their tasks. In the light of the above, introductory, basic and qualification development training on safety investigation are required. Regrettably it needs to be said that the supply of such training is overly limited, the training events offered are rather costly, therefore the members of the Division attend such training subject to its financial capabilities.

During 2016, the Transport Accident and Incident Investigation Division attended only free training and qualification enhancement courses (workshops) held by the European Maritime Safety Agency (EMSA), European Network of Civil Aviation Safety Investigation Authorities (ENCASIA), European Union Agency for Railways (ERA) and the safety investigation authority of the Republic of Iceland.

3

AIRCRAFT ACCIDENTS AND INCIDENTS

3.1. Legal acts

Aircraft accident and incident investigations are carried out in accordance with Annex 13 of the Convention of the International Civil Aviation Organisation, Regulation (EU) No 996/2010 of the European Parliament and of the Council of 20 October on the investigation and prevention of accidents and incidents in civil aviation and repealing Directive 94/56/EC (hereinafter – Regulation No 996/2010), as well as Order No. 1R-388 of 31 December 2015 of the Minister of Justice of the Republic of Lithuania 'On the approval of the Description for the procedure of investigation of civil aircraft and incidents'.

3.2. Definitions

Accident means an occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down, in which:

a) a person is fatally or seriously injured as a result of being in the aircraft; or, direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or, direct exposure to jet blast; except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew; or

b) the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windscreens, the aircraft skin (such as small dents or puncture holes) or minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike, (including holes in the radome); or

c) the aircraft is missing or is completely inaccessible.

Serious incident means an incident involving circumstances indicating that there was a high probability of an accident and is associated with the operation of an aircraft. In the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down.

Incident means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation.

3.3. Obligation to investigate

Every accident or serious incident involving aircraft other than specified in Annex II to Regulation (EC) No 216/2008 of the European Parliament and of the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency shall be the subject of a safety investigation in the Member State in the territory of which the accident or serious incident occurred.

When an aircraft registered in a Member State is involved in an accident or serious incident the location of which cannot be definitely established as being in the territory of any State, a safety investigation shall be conducted by the safety investigation authority of the Member State of registration.

The extent of such safety investigations and the procedure to be followed in conducting such safety investigations, including for those aircraft with a maximum take-off mass less than or equal to 2 250 kg, shall be determined by the safety investigation authority, taking into account the lessons it expects to draw from such investigations for the improvement of aviation safety. Safety investigation authorities may decide to investigate incidents, as well as accidents or serious incidents to other types of aircraft, in accordance with the national legislation of the Member States, when they expect to draw safety lessons from them.

3.4. Notification system

Any person involved who has knowledge of the occurrence of an accident or serious incident shall notify without delay the competent safety investigation authority of the State of Occurrence thereof.

The safety investigation authority shall notify without delay the Commission, EASA, the International Civil Aviation Organisation (ICAO), the Member States and third countries concerned in accordance with the international standards and recommended practices of the occurrence of all accidents and serious incidents of which it has been notified.

In Lithuania, the notifications of accidents or serious incidents are communicated at once to two authorities – the safety investigation authority and the Civil Aviation Administration. The notifications about incidents are submitted to the Civil Aviation Administration. In the event the Civil Aviation Administration considers that the incident may be more serious than indicated in the notification, the notification is immediately forwarded to the safety investigation authority for a further assessment, and the final classification.

3.5. Accidents and serious incidents

In 2016, total seven notifications were received about the aircraft accidents in Lithuania. Table 1 shows the number of accidents and incidents in Lithuania in 2010–2016.

Table 1. Received notifications about aircraft accidents and serious incidents

	Year							Total
	2010	2011	2012	2013	2014	2015	2016	
Accidents	3	4	3	6	8	9	7	40
Serious incidents	3	2	2	0	2	3	0	12
Total:	6	6	5	6	10	12	7	52

All the aircraft that suffered accidents in Lithuania during 2016 were general aviation aircrafts. The data on the aircrafts that suffered accidents and the persons injured as a result are provided in Table 2. Following the provisions of Article 5 of Regulation No 996/2010 and having regard to the insufficient resources of the safety investigation authority only two aircraft accident safety investigations have been performed.

Table 2. Aircrafts that suffered accidents in 2016, and the persons injured as a result.

	Total accidents		Total injured persons	
	Total	Of which involving bodily injuries	Fatal injuries	Serious injuries
Aircrafts	3	1	1	-
Helicopters	-	-	-	-
Hot air balloons	1	1	-	1
Sailplanes	1	-	-	-
Ultra-light aircrafts	2	1	-	1
Total:	7	3	1	2

The notifications received in 2016 on accidents and serious incidents of aircrafts registered in the civil aircraft register of the Republic of Lithuania which occurred outside Lithuania are presented in Table 3. In view of shortage of resources, Lithuania, as a State of Registry, the State of Design and the State of Manufacture did not appoint its accredited representative with respect to those safety investigations.

Table 3. Aircraft accidents and serious incidents outside Lithuania in 2016.

	Commercial aviation	General aviation	Total
Accident	0	2	2
Serious incidents	1	1	2
Total:	1	3	4

3.6. Open safety investigation

Tables 4 and 5 provide the data on the open safety investigations, and the safety investigations carried out since 2012. Currently only five open safety investigations are ongoing (marked in blue colour, Table 5). Other open safety investigations have been postponed due to shortage of resources.

Table 4. Open aircraft accidents and serious incidents safety investigations

	Year							Total
	2010	2011	2012	2013	2014	2015	2016	
Accidents	-	-	1	1	5	7	2	16
Serious incidents	-	-	1	-	1	3	-	5
Total:	-	-	2	1	6	10	2	21

Table 5. Open aircraft accidents and serious incidents safety investigations

Date:	Aircraft	Reg. No.	Accident or aircraft landing location
06-08-2016	Hot air balloon BB45	LY-DNB	Grigaičiai, Šatrininkai neighbourhood, Vilnius region municipality
13-03-2016	Aircraft Tecnam P2006T	LY-CPL	S.Darius and S.Girėnas aerodrome
09-11-2015	Helicopter Cabri G2	LY-CJB	International Kaunas airport
18-07-2015	Aircraft Hawker 800 XP	LY-LTC	Vilnius International airport
23-06-2015	Aircraft Tecnam P2002JF	LY-FTO	S.Darius and S.Girėnas aerodrome
23-06-2015	Aircraft Cessna F 172 H	LY-LAD	Vilnius International airport
22-06-2015	Aircraft Tecnam P2002JF	LY-BAQ	S.Darius and S.Girėnas aerodrome
20-06-2015	Aircraft Tecnam P2006T	LY-MEP	S.Darius and S.Girėnas aerodrome
22-05-2015	Aircraft Cessna-150 M	LY-AGV	Biržai aerodrome
16-05-2015	Experimental-historical aircraft An-2	LY-AET	Baltic Sea
27-04-2015	Helicopter Bell 407, and Aircraft Cessna 172	LY-ERA LY-BAK	S.Darius and S.Girėnas aerodrome
25-03-2015	Aircraft Tecnam P2002JF	LY-BAQ	Kaunas aviation plant aerodrome
29-08-2014	Aircraft PZL 104 Wilga 35A	LY-AJL	Akmenė aerodrome
23-08-2014	Aircraft Piper PA-34-220T	LY-LMN	Kyviškės aerodrome
07-07-2014	Sailplane Jantar 2B	LY-GCR	Pociūnai aerodrome
08-06-2014	Sailplane Blanik L-13	LY-GII	Karklėnai village, Plungė region
30-05-2014	Boeing 737 Bombardier CRJ200		U sector of the regional flight operation centre
19-04-2014	Ultralight aircraft VL-3	LY-VLA	Madžiūnai forest, Paluknis neighbourhood, Trakai region, Vilnius county
16-08-2013	Aircraft PZL 104 Wilga 35A	LY-AKS	Biržai aerodrome
23-07-2012	Aircraft Cessna 150	LY-CVT	S.Darius and S.Girėnas aerodrome
14-06-2012	Sailplane Bocian	LY-BOC	Paluknys aerodrome

Safety investigation in progress

13 March 2016. Accident of an aircraft Tecnam P006T (LY-CPL) at S.Darius and S.Girėnas aerodrome in Kaunas. The aircraft was performing training flights. After the aircraft landed on the runway and rolled along it about 80 m, its chassis broke. Without its front chassis, the aircraft was sliding for another 120 m until it stopped fully. The crew did not suffer any injuries. The expert examination of the broken front chassis established that it broke off because of the cracks, as the cracks developed

to a critical level being subjected to long-term cyclical operational loads. Stage of safety investigation – analysis. The safety investigation authority of the Republic of Italy (*Agenzia Nazionale per la Sicurezza del Volo*) appointed for the purpose of the safety investigation its accredited representative and his adviser.

6 August 2016. Accident of a hot air balloon BB45 (LY-DNB) at a lawn in Grigaičiai, Šatrininkai neighbourhood, Vilnius region municipality. The hot air balloon took off from the lawn at the Baltasis bridge in Vilnius. As the direction of the wind changed, a decision was taken to land. The closest location was not specifically suitable for landing, because of the power wires crossing the area, there were sheep grazing in the lawn, and a residential house were located a little further. As soon as the balloon passed the wires, it immediately started landing, in order to be able to land before it meets the closest obstacle. The balloon was descending really fast, it hit the ground hard, the basket turned over and was dragged on the ground for several meters. Because of this hard landing serious injuries were inflicted to a female passenger (a UK citizen). No damage was incurred to the hot air balloon. Stage of safety investigation – analysis. For the purpose of the safety investigation the safety investigation authority of the United Kingdom (Air Accident Investigation Branch) appointed an accredited representative.

16 May 2015. Accident of an experimental-historic aircraft An-2 (LY AET) in the Baltic Sea. On the way from the Kingdom of Denmark via the Kingdom of Sweden to the Republic of Lithuania the aircraft fell into the Baltic Sea. The crew members were killed. Stage of safety investigation – analysis. For the purpose of the investigation the safety authority cooperates with the safety investigation authority of the Kingdom of Denmark (*Havarikommissionen*), and the safety investigation authority of the Kingdom of Sweden (*Statens haverikommission*).

18 July 2015. Accident of a Hawker 800 XP (LY-LTC) aircraft. A test flight was performed after the technical maintenance works. In the course of the flight the aircraft entered in a stall, and was subjected to overloads which damaged the construction of the aircraft beyond repair. The passengers or the crew did not suffer any injuries. Safety investigation stage – analysis. For the purpose of the safety investigation the safety investigation authority of the United Kingdom (Air Accident Investigation Branch) appointed an accredited representative.

The ultralight aircraft VL-3 Evolution (LY-VLA) was found in Quarter No. 396 of Madžiūnai forest, Madžiūnai village, Paluknis neighbourhood, Trakai region, Vilnius district. Shortly after the take off for a pleasure flight from Paluknys aerodrome an ultralight aircraft developed a flat spin, and while rotating vertically hit the ground with the bottom part of the fuselage. The pilot of the aircraft and the passenger died on the spot. The ultralight aircraft was destroyed.

3.7. Prepared reports

An interim statement of the safety investigation of the accident of an aircraft An-2 (LY-AET) drafted in 2016.

3.8. Safety recommendations

The safety investigation authorities register all the submitted safety recommendations and the related replies in the central repository, created according to Commission Regulation (EC) No 1321/2007 of 12 November 2007 laying down implementing rules for the integration into a central repository of information on civil aviation occurrences exchanged in accordance with Directive 2003/42/EC of the European Parliament and of the Council. The central repository also records all the safety recommendations received from third parties.

The name of the central repository is the Safety Recommendations Information System (SRIS). It should be noted that Lithuania had never had access to the central repository, therefore being among the 31 European States that have a right to submit safety recommendations, Lithuania has never submitted as single safety recommendation. Lithuania got connected to the Safety Recommendations Information System in 2016, and will shortly submitting safety recommendations.

4

MARINE ACCIDENTS AND INCIDENTS

4.1. Legal acts

Maritime accident and incident investigations are carried out in accordance with Directive 2009/18/EC of the European Parliament and the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council, and which was transposed to Order No. 1R-386 of 30 December 2015 of the Minister of Justice of the Republic of Lithuania 'On the approval of the description of the procedure, drawing up and submission of reports and safety recommendations for safety investigations of maritime accidents and incidents', Commission Regulation No 1286/2011 of 9 December 2011 adopting a common methodology for investigating marine casualties and incidents developed pursuant to Article 5(4) of Directive 2009/18/EC of the European Parliament and of the Council, and the Law on Maritime Safety of the Republic of Lithuania.

4.2. Definitions

Very serious casualty is a marine casualty that caused a loss of a vessel, loss or death of a person, or a serious pollution of the environment.

Serious casualty is a marine casualty during which an explosion took place on a vessel, the vessel collided with another vessel, ran aground or collided with another object, was damaged because of adverse meteorological conditions, the body of the vessel was damaged because of a collusion with ice, cracks or alleged damage the body of the ship, and as a result the construction of the vessel was damaged to the extent (the underwater part of the vessel was perforated, damage or

malfunctioning of the principal engines of the vessel. significant damage to the superstructure), that the vessel lost its marine qualities so it needs to be towed or requires assistance from the shore, or the environment is heavily polluted, and assistance from the shore is required.

Casualty is a marine casualty that is not classified as a very serious casualty, or a serious casualty.

Marine incident is an event causing danger to the vessel and the people on the vessel, or the marine vessel may cause danger to the environment, other vessels or people unless appropriate actions are taken.

4.3. Obligation to investigate

Each Member State shall ensure that a safety investigation is carried out by the safety investigative authority after very serious marine casualties, involving a ship flying its flag, irrespective of the location of the casualty; occurring within its territorial sea and internal waters, irrespective of the flag of the ship or ships involved in the casualty; or involving a substantial interest of the Member State, irrespective of the location of the casualty and of the flag of the ship or ships involved.

In the case of other maritime casualties or incidents, the safety investigation authority shall carry out a preliminary assessment in order to decide whether or not to undertake a safety investigation. When taking the above decision, the safety investigation authority shall take into account the seriousness of the marine casualty or incident, the type of vessel and/or cargo involved, and the potential for the findings of the safety investigation to lead to the prevention of future casualties and incidents.

4.4. Notification system

All responsible authorities and/or parties concerned shall immediately notify all the marine accidents and incidents to the safety investigation authority.

The Lithuanian Maritime Safety Administration, the Maritime Rescue Coordination Centre of the Navy Forces of the Lithuanian Armed Forces, the SE Klaipėda State Sea Port Authority, or any other persons and/or entities, having received the information about any maritime accident or incident, shall immediately, but no later than within 24 hours from the moment of the information about the event, notify the safety investigation authority thereof.

In case of a casualty or an incident of a maritime vessel flying a flag of the Republic of Lithuania beyond the limits of the search and rescue area in the Baltic sea, the shipping company or the maritime vessel captain shall without delay, but in any

case no later than within 24 hours from such accident or an incident notify the Lithuanian Maritime Safety Administration thereof, which shall without any delay, but within no later than 24 hours from the receipt of the notification, shall notify the safety investigation thereof.

In case of a very serious casualty or an incident of a maritime vessel flying a flag of the Republic of Lithuania beyond the limits of the search and rescue area in the Baltic sea, the shipping company or the maritime vessel captain shall without delay, but in any case no later than within 1 hour from the receipt of initial information about such casualty notify the Lithuanian Maritime Safety Administration thereof, which shall without any delay, but within no later than 1 hour from the receipt of the notification, shall notify the safety investigation thereof.

In case of a maritime casualty or an incident in the search and rescue area of the Baltic Sea assigned to the Republic of Lithuania, the Klaipėda State Sea Port, Šventoji State Sea Port, Būtingė oil terminal waters or accesses thereto, the captain shall immediately, and no later than within 1 hour notify the safety investigation authority thereof.

The safety investigation authority shall notify the European Commission of all marine accidents and incidents. The safety investigation authority shall submit to the European Commission the data obtained in the course of safety investigations using the European Marine Casualty Information Platform (EMCIP).

4.5. Accidents and incidents

During 2016, total 15 notifications of maritime occurrences were received (Table 6), they were classified into accidents and incidents (Table 7), and broken down into individual categories (Table 8). Total 18 maritime vessels suffered maritime occurrences (Table 7). The number of accidents and incidents differed from the number of the vessels affected, because several vessels might have been affected by the same accident. No very serious casualties occurred in 2016, so there were no fatally or severely injured persons.

Table 6. Received notifications on maritime accidents and incidents

	Year							Total
	2010	2011	2012	2013	2014	2015	2016	
Very serious casualty	1	3	2	1	3	1	0	11
Serious casualty	1	0	1	1	7	0	3	13
Incident	6	8	7	5	5	5	7	43
Maritime incident	1	3	2	3	6	3	5	23
Total:	9	14	12	10	21	9	15	90

Table 7. Vessels that suffered accidents or incidents in 2016

	Serious casualty	Incident	Maritime incident	Total
Passenger ro-ro ferries	1	2	0	3
Carrier vessels	0	5	5	10
Fishing vessels	2 ¹	0	0	2
Tugboats	0	0	1	1
Military vessels	0	0	1	1
Pleasure yachts	0	0	1	1
Total:	3	7	8	18

Table 8. Categories of maritime accidents and incidents in 2016

Event category	
Collision with a stationary object (quay, etc.)	7
Collision with a vessel at berth	3
Malfunctioning of the vessel equipment	3
Fire on the vessel	1
Loss of the deck freight	1
Total:	15

The data on the accidents and incidents that occurred at the Klaipėda State Sea Port and the Lithuanian territorial waters are provided in Table 9, and Table 10 shows the number of vessels affected and their flags.

Table 9. Maritime accidents and incidents in Lithuania in 2016

	Klaipėda State Sea Port	Klaipėda State Sea Port external harbour	Būtingė oil terminal region	Total
Very serious casualty	0	0	0	0
Serious casualty	0	0	0	0
Incident	2	1	0	3
Maritime incident	3	0	1	4
Total:	5	1	1	7

¹ The same vessel was involved in a very serious casualty in August and in September.

Table 10. Flags of vessels involved in accidents or incidents in Lithuania in 2016

State flag	Total vessels
Antigua and Barbuda	1
Commonwealth of the Bahamas	1
Kingdom of Denmark	1
Republic of Lithuania (including a military vessel)	3
Republic of Malta	1
Portuguese Republic	1
Republic of Finland	1
Federal Republic of Germany	1
Total:	10

The data of the vessels flying a flag of the Republic of Lithuania that suffered accidents or incidents at the ports or in the waters of other States are presented in Table 11.

Table 11. Accidents and incidents that took not in Lithuania in 2016

	Ports of other States	Other waters	Total
Very serious casualty	0	0	0
Serious casualty	1	2	3
Casualty	3	1	4
Maritime incident	0	1	1
Total:	4	4	8

4.6. Open safety investigation

Table 12 provides the data on the open safety investigations carried out by the safety investigation authority.

Table 12. Open maritime accident and incident safety investigations

	2016 m.
Serious casualty	3
Maritime incident	1
Total:	4

16 June 2016 – serious casualty of a passenger RO-RO type ferry Liverpool Seaways (TJO No. 9136034), flying the flag of the Republic of Lithuania at the Kapelskar seaport in the Kingdom of Sweden. While mooring the vessel hit the quay. As a

result, serious damage was incurred to the stern of left board (a hole of 1x0.5m) above the draught line. No injuries were incurred to crew members, passengers or the freight. No pollution to nature was established.

2 August 2016 – serious casualty of a fishing vessel *Plutonas* (TJO No. 8505422) flying the flag of the Republic of Lithuania in the Barents Sea, the Arctic Ocean. While pulling a fishing trawl its material was wrapped under the vessel screw. For that reason, the vessel halted, and could not move any further. No injuries were incurred to crew members, passengers or the freight.

4 September 2016 – serious casualty of a fishing vessel *Plutonas* (TJO No. 8505422) flying the flag of the Republic of Lithuania in the Barents Sea, the Arctic Ocean. While pulling a fishing trawl its material was wrapped under the vessel screw. For that reason, the vessel halted, and could not move any further. No injuries were incurred to crew members, passengers or the freight.

6 August 2016 – maritime incident of a pleasure yacht *Marianne* flying the flag of the Federal Republic of Germany with a tanker *Matterhorn Spirit* (IMO No. 9291262) flying the flag of the Commonwealth of the Bahamas in the Baltic Sea, the region of the Būtingė oil sea terminal. The pleasure yacht sailing from the Ventspils port of the Republic of Latvia to Klaipėda port during the hours of darkness and under adverse hydro-meteorological conditions hit a tanker that was attached and fixed to a single-point mooring buoy in order to pump off the oil. No persons were injured during the incident, and no damage was incurred to the hull of the tanker or the sailing yacht.

4.7. Prepared reports

In 2016, Lithuania did not publish any maritime safety investigation reports, because all the safety investigations of maritime accidents or incidents that occurred before 2016 were completed in 2015.

4.8. Safety recommendations

In 2016, one safety recommendation was submitted for Būtingė oil terminal. Consultations regarding another recommendation are in progress.

5

SERIOUS ACCIDENTS, ACCIDENTS AND INCIDENTS IN RAIL TRANSPORT

5.1. Legal acts

All serious accidents, accidents and incidents are investigated following the provisions of Chapter V of Directive 2004/49/EC of the European Parliament and of the Council of 29 April 2004 on safety on the Community's railways and amending Council Directive 95/18/EC on the licensing of railway undertakings and Directive 2001/14/EC on the allocation of railway infrastructure capacity and the levying of charges for the use of railway infrastructure and safety certification, which was transposed to Order No. 1R-385 of 30 December 2015 of the Minister of Justice of the Republic of Lithuania 'On the approval of the description of the procedure for the drawing up and the submission of reports on the investigation of serious accidents, accidents and incidents, and of the safety recommendations in rail transport, and Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (new version) that must be complied with as of no later than 16 June 2019.

5.2. Definitions

Serious accident means any train collision or derailment of trains resulting in the death of at least one person or serious injuries to five or more persons or extensive damage of no less than EUR 2 million to rolling stock, the infrastructure or the environment is incurred, and any other accident with the same consequences which has an obvious impact on railway safety regulation or the management of safety.

Rail transport accident means an unwanted or unintended sudden event or a specific chain of such events which have harmful consequences; accidents are divided into the following categories: collisions; derailments; level crossing accidents; accidents to persons involving rolling stock in motion; also an accident when at least one person suffers injury because of moving rolling stocks, or when fire strikes in rolling stocks, and any other events causing comparable harmful consequences.

Incident means any occurrence, other than an accident or serious accident, affecting the safety of railway operations that however, did not cause any outcomes of serious accident or accident.

5.3. Obligation to investigate

Member States of the European Union shall ensure that all investigations of serious accidents in the railway transport system shall be performed by the safety investigation authority. Having received a notification about a railway transport occurrence the safety investigation authority shall immediately, but in any case, no later than within 3 calendar days, assess whether or not the railway transport occurrence meets the characteristics of a serious accidents, and in case it does match such characteristics, initiate a railway transport investigation.

In addition to serious accidents, the safety investigation authority may investigate the accidents and incidents that under slightly different conditions could have caused serious accidents. The safety investigation authority shall at its own discretion decide whether to initiate an investigation of such accident or the incident. In its decision, the safety investigation authority shall take into account the seriousness of the accident or the incident, and whether the accident is part of the series of accidents and incidents, its impact on the level of safety in rail transport at the Community level, as well as requests from infrastructure managers, railway undertakings, the safety authority or the Member States.

5.4. Notification system

Upon an occurrence of an accident or an incident railway companies (carriers), and the companies that use the railway infrastructure, also railway infrastructure operators shall without delay, and in case of a railway incident – within no later than 24 hours shall notify the safety investigation authority, and as soon as possible submit a primary notification of an approved form about the serious accident, accident or an incident in railway transport.

Railway infrastructure operators, railway companies (carriers), entities using the rail infrastructure or their authorised representatives may submit the primary notification

to the safety investigation authority by sending a digital copy of such notification by electronic mail. In case the State Railway Transport Inspectorate under the Ministry of Communications receives such primary notification directly, the Inspectorate shall within no later than 24 hours forward the notification to the safety investigation authority.

5.5. Serious accidents, accidents and incidents

The data on the notifications on serious accidents, accidents and incidents received through 2016 are provided in Table 13. The railway accidents by categories are presented in Table 14, and the total persons injured as a result are shown in Table 15.

Table 13. Notifications on serious accidents in rail transport received in 2016

Serious accidents	0
Accidents	52
Incidents	17
Total:	69

Table 14. Accidents in rail transport in 2016 by categories

Accident category	
collision of railway rolling-stock	0
collision of train with obstacle within the clearance gauge	9
derailment of train	12
accident to persons involving rolling stock in motion ²	18
at level crossings	10
Fire in the rolling stock	1
Other type traffic accidents	2
Total:	52

Table 15. Injured persons in railway accidents in 2016

	Total injured persons
Fatal injuries	19
Seriously injured	7
Total:	26

² Except suicides and attempted suicides

5.6. Open safety investigation

Considering that up until October 2016, there was no investigator in charge for serious accidents, accidents or incidents, only one investigation of a railway accident has been launched.

18 October 2016. Accident in railway transport at siding track No. 14 of Petrašiūnai railway yard of the Kaunas railway station. In the course of the accident a shunting locomotive No. 7477 driving next to the locomotive TEM TMH 026, which was parked at switch No. 19, pressed an employee. The employee was severely injured, damage to both shunting lokomotives was minimal. Safety investigation stage – data collection.

5.7. Prepared reports and safety recommendations

Considering that there were no serious accidents in railway transport in Lithuania, and until 2016 the safety investigation authority had not started any safety investigation of an accident or an incident, no safety investigation reports had been drawn up or recommendations submitted. Nevertheless, having regard to the impact upon safety and the available resources the safety investigation authority intends to start safety investigations of accidents and incidents in rail transportation.

All the reports on safety investigation of railway transport accidents, and the provided recommendations are published at the database of the European Railway Agency which is publicly accessible.

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Transport Accident and Incident Investigation Division**

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